

The Board of Selectmen met on Tuesday, August 16, 2016 beginning at 6:30 pm in the Main Meeting Room of the Town Hall. The following members were present:

Eric Kraus, Chairman  
James Stanton, Vice Chairman  
Nancy Mackenzie, Clerk  
Mark Gallivan  
David Salvatore

Also Present:  
James Johnson, Town Administrator  
Kristine Brown, Principal Clerk

Chairman Eric Kraus called the meeting to order at 6:32 p.m. following the Pledge of Allegiance.

### **ANNOUNCEMENTS AND PROCLAMATIONS**

Mr. Kraus went on to say before we begin the Board of Selectmen hereby inscribes upon the record its recognition and sincere appreciation of the contributions rendered by the late Olga Hurley, who passed away on Tuesday, August 16, 2016 at the age of 87.

A longtime advocate for the seniors of Walpole, Mrs. Hurley was a resident of Allston Drive and one of the founding members of the Council on Aging. Her more than 30 years of service to the Council directly impacted the lives of hundreds of residents over the years, having personally sponsored countless programs centering on the safety and wellness of seniors.

In addition to her service locally, Mrs. Hurley's work and reputation as a physical therapist have been revered on a global level. Mrs. Hurley graduated from Framingham State College and quickly became a leading authority on frail elderly fall prevention and Parkinson's disease. She was a lecturer at the Norwood and Wrentham State Hospitals, started and organized a Geriatrics Summer Olympics, and was the author of the textbook *Who? Me? Life Experiences for People over 50*. Additionally, she was invited to share her life's work as a conference chair for the National Kidney Foundation, at a Pre-White House Conference on Aging, as well as other conventions and seminars.

Mrs. Hurley was a compassionate, dedicated and beloved member of the Walpole Community and will long be remembered by those whose lives she enriched every day.

In acknowledgement of the Town's loss, the Chair hereby requests the Board observe a moment of silence in Mrs. Hurley's memory.

### **APPOINTMENTS:**

8-12, 8-13, 8-14 POLICE APPOINTMENTS:

Chief Carmichael thanked the Board and Jim Johnson for the opportunity and support in hiring these new candidates. He stated that this is a very exciting time for the Walpole Police Department. We are very happy with the amazing pool of candidates we have before you today. These were the best of the pool. They complement the department very well. We have a seasoned dispatcher, an Army Veteran and a current police officer who is already Academy trained.

Chief Carmichael said the first Candidate we will bring up is Michelle Slavin. Ms. Slavin grew up in Walpole. She has been a dispatcher for the Brookline Police Department for the past five years.

Mr. Kraus thanked Ms. Slavin for being there tonight. He mentioned that they had met her previously and were happy to see her back.

Ms. Slavin thanked the Board for having her.

David Salvatore asked the Chief of Police, when the decision was made that the Town was going to increase the Police Force to 42?

Chief Carmichael said during the past budget cycle. The department added the two positions into the budget.

Mr. Johnson mentioned that it was included in his February Budget Message. We did the delayed hiring to make sure we had the funds. It was discussed at Town meeting and voted on.

**MOTION** moved by Mr. Stanton to appoint Michelle Slavin as a Police Officer for the Town of Walpole beginning on September 26, 2016, seconded by Mr. Gallivan.

The vote was 4-0-1 (Mrs. Mackenzie abstaining)

Chief Carmichael said he was happy to bring up the next candidate John Murphy, he said that Mr. Murphy grew up in Walpole and then served in the US Army. The Chief felt he would be an asset to the department.

Mr. Murphy thanked the Board for having him and said it was an honor to be there.

**MOTION** moved by Mr. Stanton to appoint John P. Murphy as a Police Officer for the Town of Walpole beginning on September 26, 2016 seconded by Mr. Gallivan.

The vote was 4-0-1 (Mrs. Mackenzie abstaining)

Mr. Kraus thanked Mr. Murphy for his service in the United States Army.

Chief Carmichael said the next candidate Patrick O'Connor is currently an active police officer for the Town of Nantucket, Massachusetts. He has been a full time officer for two years. We look forward to having Patrick on the department. Since he is already a police officer his starting date will be September 5, 2016.

Ms. Mackenzie noted that Mr. O'Connor grew up in Milton.

Mr. Kraus asked if it was going to be difficult to turn the ocean in for the ponds around Walpole.

Mr. O'Connor said it will certainly be a change but he is looking forward to it.

**MOTION** moved by Mr. Stanton to appoint Patrick O'Connor as a Police Officer for the Town of Walpole beginning on September 5, 2016 seconded by Mr. Gallivan.

The vote was 4-0-1

**8-16 Sergeant Appointment:**

Chief Carmichael said that it is with great pleasure that he gets to introduce Detective Richard Kelleher. He has 11 years of experience and he had the highest score tied with Bob Doherty on the assessment of all the candidates. He is a reliable, trustworthy individual. He would make an outstanding Sergeant. He has excellent leadership qualities and looks forward to working with him.

Detective Kelleher thanked the Chief for his kind words.

**MOTION** moved by Mr. Stanton to promote Richard Kelleher to the position of Sergeant in the Walpole Police Department , seconded by Mr. Gallivan.

The vote was 4-0-1 (Kraus, Stanton, Gallivan, Salvatore voting in favor; Mackenzie abstaining)

Chief Carmichael said he also wanted to thank Officer Doherty, Officer Hazeldine, Officer Dolan and Officer Thayer. They all participated in this promotion process and they did an amazing job. He knows each and every one of them would have made an excellent Sergeant. These internal promotions are hard and he appreciates them for applying for the position.

Mr. Kraus asked if the police department was now at full capacity.

Chief Carmichael responded yes.

**NEW BUSINESS:**

**8-19 One Day Entertainment BBC**

**MOTION** moved by Ms. Mackenzie to approve the One Day Entertainment License for the BBC for October 1, 2016 from 11 am- 7 pm, seconded by Mr. Gallivan.

The vote was 5-0-0 in favor

8-20 One Day Wine & Malt, BBC

MOTION moved by Ms. Mackenzie to approve the One Day Wine and Malt License for the BBC for Beer Samples on October 1, 2016 from 10am-6pm seconded by Mr. Gallivan

The Board stated they would leave the need for a Police Detail up to the Police Department's discretion.

The vote was 5-0-0 in favor

Downtown One Day Beer And Wine License Requests:

8-21 Marc Romeo for EDC

MOTION moved by Ms. Mackenzie to approve the request of Marc Romeo for the One Day Beer and Wine License for the Downtown Event on Friday September 16, 2016, seconded by Mr. Gallivan.

The vote was 5-0-0 in favor

8-22 GINJO:

MOTION moved by Ms. Mackenzie to approve the request of Ginjo for the One Day Beer & Wine License for the Downtown Event on September 2, 9 and 16<sup>th</sup>, seconded by Mr. Gallivan.

The vote was 5-0-0 in favor

8-23 Jalapenos Grill Inc:

MOTION moved by Ms. Mackenzie to approve the request of Jalapenos Grill for the One Day Beer & Wine License for the Downtown event on September 2, 9 and 16<sup>th</sup>, seconded by Mr. Gallivan

The vote was 5-0-0 in favor

8-32 Ravens Nest:

MOTION moved by Ms. Mackenzie to approve request of Raven's Nest for the One Day Beer and Wine License for the Downtown Event on September 2, 9 and 16<sup>th</sup>, seconded by Mr. Gallivan.

The vote was 5-0-0 in favor

8-24 Fall Town Meeting Warrant:

MOTION moved by Ms. Mackenzie to close the Fall Town Meeting Warrant, seconded by Mr. Gallivan

The vote was 5-0-0 in favor

8-31 Bid Contract, 2017-03:

Mr. Kraus asked Mr. Johnson if everything was in order regarding the bid contract.

Mr. Johnson stated yes and that he is comfortable with it.

MOTION moved by Ms. Mackenzie to award bid contract 2017-03 for Water Treatment Chemicals to various bidders as outlined in memo dated August 10, 2016, seconded by Mr. Gallivan.

The vote was **5-0-0 in favor** (Kraus, Stanton, Mackenzie, Gallivan & Salvatore voting)

**CONSENT AGENDA ITEMS:**

MOTION moved by Ms. Mackenzie to approve the following requests from the Consent Agenda, seconded by Mr. Gallivan

- 8-25 request for a-frame, fisher school pac
- 8-26 request to hold jarvis harvest
- 8-27 request to hold Halloween parade
- 8-28 acceptance of gift from minute man trucks, to police safety fund \$500.00
- 8-29 acceptance of gift from various donors to library \$250.00

The vote was 5-0-0 in favor

**MINUTES:**

A MOTION was made by Ms. Mackenzie, seconded by Mr. Gallivan to approve the July 19, 2016 meeting minutes as written.

The vote was 5-0-0 in favor

A MOTION was made by Ms. Mackenzie, seconded by Mr. Gallivan to approve the August 2, 2016 meeting minutes as written.

The vote was 5-0-0 in favor

Mr. Kraus said with the time being a little before 7:00 does the Board have any old business they would like to discuss.

8-17 Historical Commission

Mr. Kraus welcomed Ms. Birtwell and asked her to please come up and introduce herself.

Kathleen Birtwell said hello and asked the Board how they were doing.

Mr. Kraus said that it was great to have Ms. Birtwell and thanked her for volunteering her time.

Ms. Mackenzie asked Ms. Birtwell to tell the Board a little bit about herself.

Ms. Birtwell said that she was a retired lawyer and a soon to be retired science teacher. She was on the Finance Committee back in the 80's. With retirement looming she decided that she had the time to be able to participate again.

Mr. Kraus asked if this was for a Regular Member or an Associate Member.

Ms. Birtwell said it was for an Associate Member.

Ms. Mackenzie asked if there was a Regular Member opening.

Ms. Birtwell replied yes.

Mr. Kraus asked again this is for an Associate Member not a Regular?

Ms. Birtwell said it is for an Associate member

**MOTION** moved by Ms. Mackenzie to appoint Kathleen Birtwell to the Historical Commission as an Associate Member with a term to expire April 1, 2017 seconded by Mr. Gallivan

The vote was 5-0-0 in favor

#### 8-30 Conservation Commission, Wetlands Fund

Mr. Kraus said they would move on to the Conservation Commission request.

Jack Wiley, Chairman of the Conservation Commission said, what you have before you is a request from Conservation. We ask to do this periodically, bump up the number so we can have some more funds available.

Mr. Johnson stated that the current balance in the account is \$54,259.00 they are requesting to use \$9000 of the funds to pay the Conservation Agent and the Board Secretary for when they work over allotted hours due to meetings. Landis Hershey, the Conservation Agent and Pam Smith, the Conservation Secretary are excellent workers. He went on to say that he thinks it is good to keep that flexibility in the budget.

Mr. Stanton said that since he has been on the Board he has never seen a request like this. He asked for Mr. Wiley to explain where does the money in the Wetlands Account come from?

Mr. Wiley stated that it is from the fee's the Conservation Commission charges and collects. A portion of the money goes to the Town and some goes to the State.

Mr. Stanton wanted to know if they pay the fee at the Town or the State level.

Mr. Wiley said they pay the fee to the Town

Mr. Johnson told the Board that Landis gave a brief overview of what they are asking for on the packet she submitted. It is a case by case basis.

Mr. Stanton asked if it was an appropriate use of the funds.

Mr. Wiley answered yes.

Mr. Salvatore asked if this was to reimburse employees.

Mr. Johnson stated that Landis is a 30 hour a week employee, if she goes over those hours due to job demand or meetings she has to ask Chairman Wylie for permission. It is a week by week case by case basis. It will not count towards her benefits or vacation time.

Mr. Salvatore asked if it came to \$9000 exactly for the year.

Mr. Johnson said that the \$9000 should last a few years.

Mr. Salvatore said but it could be all used up in one year.

Mr. Johnson said correct.

Mr. Wiley said the additional use on that is our Board Secretary is also the Zoning Board of Appeals Secretary under the Economic Development Commission. This would help reimburse her on meeting nights.

Mr. Salvatore asked if she was a 30 hour a week employee.

Mr. Johnson said that she is a 34 hour a week employee. This request isn't being made by any employee. This was voted on by the Conservation Commission and it was forwarded to your Board for consideration.

Mr. Salvatore said that none of these extra hours add to the benefits correct. He went on to say that he would feel more comfortable with an annual breakdown rather than \$9000 to last 3 years or 12 months. He would have liked to see time sheets from those meetings.

Mr. Wiley said that they have been doing this for a number of years. The amount we have asked for is to give some sort of a number.

Mr. Salvatore thanked Mr. Wiley for that information.

Mr. Gallivan said that he is comfortable with the request.

Mr. Stanton said in his 3 years on the board, this was the first time he had experienced this request.

Mr. Wiley said that he knows he has done this several times over the years.

Mr. Stanton said that he is comfortable with the request.

MOTION moved by Mr. Gallivan to approve the request of the Conservation Commission to expend \$9000 from the Wetland Filing Fee Account for administration and enforcement by the Conservation Agent and the Conservation Secretary, seconded by Mr. Stanton

The vote was 4-0-1 in favor (Mr. Salvatore abstained)

#### 8-18 British Beer Company Change In Manager

Ashley Alderman appeared before the Board seeking approval of the Change in Manager. She explained that she has been in the restaurant business for the past 20 years. The last 7 years she was the Executive Kitchen Manager for the Cheesecake Factory. She has been with the British Beer Company since December. She went on to say that she just recently came to Walpole.

Ms. Mackenzie asked if Ms. Alderman has moved to the area yet.

Ms. Alderman stated that she had just bought a house in Connecticut recently. She is commuting from Connecticut to Walpole. It is about an hour drive.

Mr. Stanton asked Ms. Alderman what her hours would be.

Ms. Alderman said that she works 60 hours a week/ 6 days a week. She is at the restaurant every day but Sunday.

Mr. Stanton asked Ms. Alderman how many employees she will supervise.

Ms. Alderman said 37 employees currently however we are trying to grow it to 51.

Mr. Stanton asked if Ms. Alderman would mind telling the Board about Hero Fest, the One Day Permit British Beer House has requested earlier.

Ms. Alderman said she would absolutely discuss Hero Fest. They found this charity that trains pups for American Soldiers and Police Officers who suffer from Post-Traumatic Stress Disorder (PTSD). When she came to Walpole British Beer Company she wanted to do something that gave back.

Mr. Kraus asked if Ms. Alderman realizes how serious the Town of Walpole takes Alcohol Violations. His only request is that the BBC only comes before this Board for things like One Day Requests.

Ms. Alderman said she promised there wouldn't be any issues.

MOTION moved by Ms. Mackenzie to approve the Change of Manager for the British Beer Company to Ashley Alderman, seconded by Mr. Gallivan.

The vote was 5-0-0 in favor

Mr. Kraus welcomed Ms. Alderman to Walpole.

### **TOWN ADMINISTRATOR'S REPORT:**

Mr. Kraus said with the time being 7:15 p.m. Mr. Administrator would you like to give your update.

Mr. Johnson said in terms of Free Cash they met with two representatives from the Division of Local Services yesterday. He is pleased to report that they informed us that Walpole is one of the first Towns in the State to submit their free cash certification. Marilyn and Jodi have done a great job putting that together. They tell us it will be certified in 2-4 weeks. This puts us on track with our Fall Town Meeting because we are going to use the Free Cash for funding on all three buildings. Once he has that he will request to meet with the Board of Selectmen to go over funding as he has laid out for the buildings under Article 2, he expects that we will be able to fund all 3 buildings without debt exclusion.

General Bids for the Police Department are due on September 8<sup>th</sup> and the Fire Department, September 29<sup>th</sup>. Sub bids will be due before Town Meeting. It will be a tight window. He wants to go to Town Meeting with an exact bid amount for each building.

Personnel Board met to consider the Community Services proposal. He believes it was well received. They want to take it up at a future meeting.

We met with officials from the Department of Energy Resources to go over the Energy plan, regarding the information to save money on electrical funds. The process will take 3-6 months.

### **OPEN FORUM 7: 30 p.m.**

Mr. Kraus stated that the Board has scheduled Open Forum for 7:30 pm. He asked if there was anyone in the audience who was there for Open Forum.

Jean Duffy of 11 Clarkson Drive stated that she was here to update the Board on the gas line. She is representing the citizen's group, No Walpole Gas Pipeline. She would like to provide updates in three areas: the first update is about the Positive Action Suggested on July 5<sup>th</sup> at the Open Forum, the second update is regarding legal action against the pipeline tax, and the third is regarding pipeline activities in surrounding towns.

The positive action suggested on July 5<sup>th</sup> at Open Forum, the file for intervenor status with FERC. On July 26<sup>th</sup> they received potential agenda item and potential motion from Town Counsel. The 2<sup>nd</sup> item was the suggestion to join a municipal coalition as of now there is no update. The 3<sup>rd</sup> is a resolution that supported the Senate version of Omnibus Energy Bill, as of now there is no update. Not needed not since Omnibus Energy Bill from Conference Committee passed but did not include a ban on the pipeline. The 4<sup>th</sup> item is regarding the support of Mayor Robert Hedlund of Weymouth in his dealing with the Massachusetts DPU by a letter supporting his letter to the DPU. He was suggesting we look at his letter. We have no update on this.

In regards to the legal action against the pipeline tax, The Conservation Law Foundations lawsuit is in deliberation at the Supreme Judicial Court and is challenging the Mass DPU Authority to authorize the pipeline tax. Spectra will own 40%, Ever Source will own 40% and National Grid will own 20%. The third item, the Massachusetts DPU is interviewing Eversource and National Grid to determine whether or not to approve their gas capacity agreements to use the gas pipeline tax to buy gas for Access Northeast. A decision is expected in October.

Actions of surrounding Towns, the Norfolk Conservation Department was notified at the end of June that geotechnical surveying would begin. Walpole Conservation was notified. Not all towns have geotechnical surveying. Forty trucks full of gravel showed up unexpectedly in Weymouth with both Eversource and Spectra representatives. Residents were told that they were building an access road from Weymouth to Walpole on Eversource land. Residents questioned whether permits were obtained. Spectra presented to the Canton Board of Selectmen on July 26<sup>th</sup>. The Pipeline Awareness Networks response to Canton Board of Selectmen questions and answers were sent to the Town Administration office. Also Article 97 land is in jeopardy in terms of being protected from Spectra building on it. On 8/1 Town Counsel did go into Article 97 lands and made a suggestion that the Water Department have some engineering studies done and have the other departments write letters of concern to FERC. Ms. Duffy thanked the Board for their time.

Mr. Johnson said a couple of the members on the Board did ask about the Board of Selectmen meeting in Canton. He sent an email with that update. Do you want me to draft a similar letter for the Town of Weymouth? The Warrant has \$50,000 on it for legal fees regarding Spectra. Sewer and Water have been gracious and helping us with this funding in terms of water fees. If the Board would like he could draft a letter and present it at next meeting.

Mr. Salvatore said that the Board really cannot direct the Town Administrator to do that if it's not on the agenda tonight.

Ms. Mackenzie said technically Mr. Salvatore is right. However we can put it on the Agenda for the next meeting.

Mr. Kraus told Mr. Johnson if he has a letter drafted for the next Board of Selectmen meeting that would be great. He then asked if there was anyone else there for Open Forum.

**ADJOURNMENT:**

With there being no one else at the meeting for Open Forum

A MOTION was made by Mr. Kraus, seconded by Mr. Gallivan to adjourn the BOS meeting at 7:30 p.m. VOTED 5-0-0 in favor